

Introduced by Senator Perata

February 17, 2005

An act to add Section 6403.5 to the Labor Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 363, as introduced, Perata. Hospitals: lift teams.

Existing law regulates the operation of health facilities, including hospitals.

Existing law, the California Occupational Safety and Health Act of 1973, establishes certain safety and other responsibilities of employers and employees, including, but not limited to, the requirement that no employer shall fail or neglect to provide safety devices or safeguards reasonably necessary to render the employment safe. Willful or repeated violations are a crime.

This bill would require each general acute care hospital, except rural general acute hospitals, to establish a health care worker back injury prevention plan. This bill would require each hospital to conduct a needs assessment that utilizes a lifting and transferring process identifying patients needing lift teams, lifting devices, and lifting equipment.

This bill would require hospitals to implement a "zero lift policy" for all shifts, to utilize lift teams, lifting devices, and lifting equipment, and to train health care workers on the appropriate use of lifting devices and equipment. This bill would require lift team members to receive specialized training and to demonstrate proficiency in safe techniques for lifting or transferring patients and while using lifting or transferring devices and equipment.

This bill would provide that a health care worker who refuses to lift a patient would not be disciplined, unless the worker had been trained

on appropriate patient and equipment lifting procedures and has appropriate, functional lifting devices and equipment available to perform the requested lift. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6403.5 is added to the Labor Code, to
2 read:

3 6403.5. (a) As part of their injury and illness prevention
4 programs required by this chapter, all general acute care hospitals
5 as defined in subdivision (a) of Section 1250 of the Health and
6 Safety Code shall adopt a health care worker back injury
7 prevention plan. As part of their plan, each hospital shall conduct
8 a needs assessment in relation to patient lifts. As part of the needs
9 assessment, each hospital subject to this section shall develop a
10 lifting and transferring process that identifies the patients that
11 require the appropriate use of lift teams and lifting devices and
12 equipment. For purposes of this section, a “lifting and
13 transferring process” shall mean a system whereby patients are
14 identified based on the potential risk of injury to the health care
15 worker in the event the worker would need to lift or transfer that
16 patient.

17 (b) Hospitals shall implement a “zero lift policy” for all shifts
18 for patients identified pursuant to subdivision (a) as requiring lift
19 teams and the use of lifting devices and equipment. Each general
20 acute care hospital subject to this section shall, as appropriate and
21 consistent with the needs assessment developed pursuant to
22 subdivision (a), utilize lift teams and lifting devices and
23 equipment. For purposes of this section, “zero lift policy” means
24 replacing manual lifting and transferring of patients with
25 powered patient transfer devices, lifting devices, or lift teams as

1 defined in subdivision (d), consistent with the needs assessment
2 developed pursuant to subdivision (a). Each general acute care
3 hospital subject to this section shall provide training to health
4 care workers on the appropriate use of the lifting devices and
5 equipment. Training for these health care workers shall include
6 body mechanics and the use of lifting devices to safely handle
7 patients.

8 (c) Lift team members shall be given specialized training and
9 shall demonstrate proficiency in safe techniques for lifting or
10 transferring patients and the appropriate use of lifting or
11 transferring devices and equipment. Lift teams shall utilize lifting
12 devices and equipment when assisting health care workers
13 throughout the hospital to lift patients unless specifically
14 contraindicated for the patient's condition or medical status.

15 (d) For purposes of this section, "lift team" means hospital
16 employees specially trained to handle patient lifts and transfers.
17 Nothing in this section precludes lift team members from
18 performing other duties as assigned during their shift.

19 (e) A health care worker who refuses to lift a patient due to
20 concerns about worker and patient safety and the lack of trained
21 lift team personnel or equipment may not, based upon the refusal,
22 be the subject of disciplinary action by the hospital or any of its
23 managers or employees.

24 (f) Notwithstanding subdivision (e), the hospital, its managers
25 or employees may discipline a health care worker who refuses to
26 lift a patient if the health care worker has been trained on
27 appropriate patient and equipment lifting procedures, and has
28 appropriate, functional lifting devices and equipment available to
29 perform the requested lift.

30 (g) This section shall not apply to hospitals licensed by the
31 State Department of Health Services as rural general acute care
32 hospitals as defined in subdivision (a) of Section 1250 of the
33 Health and Safety Code.

34 (h) It is not the intent of this section to prescribe a particular
35 process for acute care facilities subject to this section.

36 SEC. 2. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the

1 penalty for a crime or infraction, within the meaning of Section
2 17556 of the Government Code, or changes the definition of a
3 crime within the meaning of Section 6 of Article XIII B of the
4 California Constitution.

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